

Problems for Inns 2006-2007

October, 2006–Jeopardy

November, 2006–Legal Excellence.

Make a “top ten” list of strategies or techniques or facts that a lawyer should be familiar with when engaging in the mediation of a dispute *after* that dispute is pending in a court. In other words, present the “tools of the trade” for a successful mediation of a litigated matter. Teach us when and how to use these tools. Put us inside a winning mediation. Warn us about pitfalls. Tell us about the mediation policies of the various courts.

December, 2006–Ethics.

Rule 8.4(d) of the Nebraska Rules on Professional Conduct states:

Once a lawyer is employed in a professional capacity, the lawyer shall not, in the course of such employment, engage in adverse discriminatory treatment of litigants, witnesses, lawyers, judges, judicial officers or court personnel on the basis of the person's race, national origin, gender, religion, disability, age, sexual orientation or socio-economic status. This subsection does not preclude legitimate advocacy when these factors are issues in a proceeding.

What does this Rule mean? Where did the Rule come from? Give examples of conduct that violate the Rule. Give examples of conduct that may implicate the Rule, but turn out to be permissible. Is the Rule worthwhile?

January, 2007–Professionalism.

Gather and explain the most common legal malpractice policies available in Nebraska. Get the costs. Tell us the “ins” and “outs” of coverage—what to “look for” and what to “look out for.” While you are at, list the most pertinent statutes of limitations for lawyers in Nebraska. Do government lawyers need malpractice policies? Do you need a malpractice policy if you quit the active practice?

February, 2007–Civility

There are those who think the practice of law now resembles the animal kingdom, a nasty and brutish way of life. Is that so? Is this new? If lawyers should be “civil” to one another, what does that really mean? Provide “real life” examples of incivility? If we want to improve “civility,” how can we do it? Are judges supposed to be civil? If so, what does that mean? Is the “civility rule” adopted by the Nebraska Federal Court, see NEGenR 1.8(e), worth a damn?

March, 2007–Legal Excellence

Pretend the audience is a jury panel who is sworn and from which a 12-person jury must be selected for a civil case. Divide your Inn into two groups, that is, counsel for the plaintiff and counsel for the defendant. Assume that you are litigating a simple car accident case. (Agree between yourselves on a basic fact scenario.) Question the panel using “best practices” for picking a jury. Use no more than 15 minutes per side. In other words, teach us how to pick a jury in a civil case. Tell us which “jurors” you would keep and which you would dump, and why. Tip us off about “screwy” jury selection policies imposed by some judges.

April, 2007–Professionalism

Jim Hewitt, a former member of our Inn and former President of the Nebraska Bar Association, wrote a doctoral dissertation, for his PhD in legal history, entitled “*Slipping Backward: The Nebraska Supreme Court, 1938-1995*.” In it, Jim concluded that, for the period studied, the Nebraska Supreme Court “was moving away from” working “cooperatively” with the bar and instead began “holding the bar at arm’s length.” *Id.* at 305. Jim thought one of the reasons for this might be the judicial evaluation poll sponsored by the Nebraska Bar Association. Jim wondered whether the poll was “sticking in the Court’s craw.” *Id.* Divide your group. One half should attack the poll and the other half should defend it. Ultimately, tell us whether the poll should be continued. If it should be continued, give us concrete steps for improvement.